

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**
Charleston Division

EVELYN CABELL and
BILLY CABELL, her son,
Plaintiffs,

v.

Civil Action No. 2:20-cv-00507
Judge: **Joseph R. Goodwin**

CMH HOMES, INC.,
CMH MANUFACTURING, INC.,
SOUTHERN OHIO
CONSTRUCTION, LLC, and
JOHN DOE,
Defendants.

**DEFENDANTS' JOINT MOTION TO EXCLUDE
PLAINTIFFS' UNTIMELY AND INCOMPLETE RULE 26(a)(2) DISCLOSURES**

COME NOW, Defendants CMH Homes Inc., CMH Manufacturing, Inc., (collectively referred to herein as "CMH") both by and through Counsel, Jason J. Stemple, Esq., Defendant Southern Ohio Construction, LLC (hereinafter "Southern Ohio"), by and through counsel Sarah Walling, and request that, pursuant to Rule 37 of the Federal Rules of Civil Procedure, the Court exclude the untimely and incomplete expert disclosures contained in Plaintiffs' Supplemental Rule 26(a)(2) Expert Disclosure (Doc. 69) and Plaintiffs' Final Rule 26(a)(2) Disclosures (Doc. 72).

The following exhibits are attached hereto and referenced in the Memorandum In Support this motion:

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|------------|--|
| Exhibit 1. | Sales Agreement |
| Exhibit 2. | WV Schedule and Agreement Regarding Installation Responsibilities Form |
| Exhibit 3. | Plaintiffs' Expert Disclosures |
| Exhibit 4. | Supplemental Rule 26(a)(2) Expert Disclosure |
| Exhibit 5. | Final Rule 26(a)(3) Disclosures |
| Exhibit 6. | Estimate - Elite Commercial Roofing, Owen Petershein. |
| Exhibit 7. | Estimate - ELM Electrical and Contracting, Josh Milan. |
| Exhibit 8. | Estimate - Calendar Construction, Matt Westin |

CMH HOMES, INC.

**CMH MANUFACTURING, INC.
BY COUNSEL**

s/Jason Stemple
Jason J. Stemple (WV Bar No. 8883)
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s/ Sarah Walling
Sarah Walling, Esquire
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(Counsel for Defendant Southern Ohio Construction)

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CERTIFICATE OF SERVICE

I hereby certify that, on this 30th day of June 2021, the undersigned counsel served the foregoing "**DEFENDANTS' JOINT MOTION TO EXCLUDE PLAINTIFFS' UNTIMELY AND INCOMPLETE RULE 26(a)(2) DISCLOSURES**" upon counsel of record by filing the document with the Clerk of the Court for the United States District Court for the Southern District of West Virginia, Charleston Division, using the CM/ECF System, which will send notification of such filing as follows:

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s/Jason Stemple

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